

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

PETER LUEBKE,
individually, and on behalf of
all others similarly situated,

Plaintiff,

CASE NO. 17-cv-969-WED

v.

**WISCONSIN ELECTRIC POWER COMPANY d/b/a
WE ENERGIES,**

Defendant.

DECLARATION OF JAMES A. WALCHESKE

I, James A. Walcheske, certify under penalty of perjury that the following is true and correct to the best of my knowledge and recollection:

1. The statements set forth in this declaration are made of my own personal knowledge and, if called as a witness, I could and would testify competently to the matters stated below.
2. I am an adult resident of the State of Wisconsin and am an attorney in good standing, licensed to practice in Wisconsin and before the Eastern District of Wisconsin. My Wisconsin State Bar Number is 1065635.
3. I have practiced law in Milwaukee, Wisconsin since 2008 and I have spent my career as a labor and employment litigator. I worked as an Associate for the employment law firms of Carroll & McDonald, L.L.C. from January 2008 to October 2009 and Heins Law Office LLC from October 2009 to March 2012. In

March 2012, I started my own practice and have been a managing member of Walcheske & Luzi, LLC since. My practice has focused on litigation and appellate work in the areas of civil rights and employment law.

4. I am a member of both the National Employment Lawyers Association and the Wisconsin Employment Lawyers Association. I am also a member of the Labor & Employment Law Section of the Wisconsin State Bar.

5. Through my involvement in the Wisconsin legal community, and particularly through my interactions with other attorneys who practice in the area of labor and employment, I have become familiar with the rates attorneys in Southern Wisconsin charge for their work.

6. I regularly appear on behalf of clients in Wisconsin trial and appellate courts throughout the state, in various administrative fora such as the Wisconsin Department of Workforce Development, in private labor arbitration, and in the Federal District Courts for the Eastern and Western Districts of Wisconsin.

7. I am aware that the Attorneys at Hawks Quindel have represented Plaintiffs in multiple class and collective action wage and hour matters in front of the Eastern District of Wisconsin as well as other Federal District Courts. I am aware that Attorneys Johnson, Murshid, and Maynard are experienced with complex litigation and have served as Counsel in numerous multi-Plaintiff wage and hour actions.

8. As an attorney who has practiced in this market for approximately 10 years, and as counsel on other wage and hour matters, I am familiar with the

market rate in Wisconsin for representation of plaintiffs under state law and the FLSA with respect to class and collective actions wage and hour claims. The market rate for attorneys' fees for such claims is 33.333% of the total settlement in addition to repayment for costs incurred during litigation. This is in fact the contingency rate I charge in wage and hour cases, including class and collective actions.

9. I understand that class counsel in the above-captioned matters is filing a Motion for Attorneys' Fees and Costs. I understand that the Settlement Fund is \$4,236,231.10. I further understand class counsel is petitioning for attorneys' fees of one-third, or 33⅓% of the Settlement Fund (totaling \$1,412,077.00), plus costs (totaling \$6,387.39) of the common fund – a total of \$1,418,464.39.

10. Based on my experience and knowledge of the market, as well as my personal opinion of the work of the attorneys at Hawks Quindel, S.C., my opinion is that this contingent fee of 33⅓% is reasonable for this type of case and is within the market rate. Further, based on my experience and knowledge of the market, my opinion is that the result reached for Plaintiffs is fair and reasonable, and an excellent result relative to other wage and hour class actions that I am familiar with from around the state.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of January, 2019.

s/JAMES A. WALCHESKE
James A. Walcheske